

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 13, 2006
Tuesday, 9:06 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Reverend Leigh Earley of the Pilgrim Congregational Church, gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the June 6, 2006 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS

Recognition

Recognition of Sister Cities Musical Ambassadors.

Mayor Mayans recognized four students who are the Sister Cities Musical Ambassadors to Orleans, France. Mayor Mayans presented each of them with a certificate and a City of Wichita lapel pin.

PUBLIC AGENDA

Rosalie Bradley-Wichita Independent Neighborhoods, (WIN)-Vicious Dog Survey.

Ms. Bradley reported that over a year ago, Environmental Services Director Kay Johnson spoke at a WIN meeting and discussion of dangerous dogs and responsible dog ownership developed. The Community Action Committee, chaired by John Stevens, developed a survey that was distributed to a number of neighborhoods and that 248 responded. Stated that the survey provided tremendous insight as to how citizens feel about dogs and their related security in their neighborhoods. Of the 248 respondents, 82% answered that they had observed dogs running loose in the City and 66% said they had been fearful of these dogs. If they managed to elude harm they called animal control with the hope that someone would intervene. The survey indicated that 22% of the time no one responded and when someone did respond, it generally took 30 minutes to two hours. Stated that less frequently the police were called but the response time was much better. A final question found 74% said that they wanted better enforcement of the current City ordinances for dangerous and unleashed dogs. Stated that some conclusions that were drawn were, increased staffing on the street appears to be needed; more efficient and effective communication is needed; and record keeping needs to be brought into the computer age. Stated that there must be a process so that an animal can be removed from private property on behalf of protecting society. Stated that she understands that few cases are reaching the Municipal Court, who should have the authority to sanction owners of dangerous dogs and that it is the irresponsible owners that are creating the problem and that a fine or just removing the dog is not an adequate answer. Stated that WIN believes much can be done to make the owner responsible by forbidding ownership of or harboring any animal if convicted of owning a dangerous animal. Stated that the court should have the power to make that owner responsible including removing the animal from their ownership and preventing that person from living on the same premises that has any dog, whether they admit ownership or not, even if the dog is not dangerous. Stated that someone must have the authority to enforce compliance with the law and the authority to judge that a dog is dangerous. Stated that the current ordinance has some enforcement but the question is "Is it being implemented?" Stated that WIN is requesting that the Council refer this packet to staff for more intensive review of the current

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ordinance and is willing to work with Environmental Services, the Legal Department and Municipal Court to do a comprehensive review and rewrite to the numerous ordinances regarding animals. They are also requesting that the City Council review and give strong consideration to increasing the animal control staff to help enforce compliance with the current ordinances.

CONSENT AGENDA:

Motion--
--carried

Mayans moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 12, 2006.

Bids were opened June 9, 2006, pursuant to advertisements published on

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications:

Storm Water Drain #288 to serve Whispering Lakes Estates Addition - south of Harry, west of 159th Street East. (468-84143/751416/485307) Does not affect existing traffic. (District II)

WB Carter Construction - \$325,746.00

Water Distribution System to serve Auburn Hills 16th Addition - south of Maple, west of 135th Street West. (448-90122/735316/470987) Does not affect existing traffic. (District V)

Nowak Construction - \$136,392.00

Rosewood from the east line of Brookhaven to the west line of Lot 16, Block 4; Hazel Nut from the east line of Lot 28, Block 4 to the west line of Rosewood; Hazel Nut Circle from the east line of Rosewood to and including the cul-de-sac (Lots 26 through 31, Block 1); Rosewood Court from the west line of Rosewood to and including the cul-de-sac (Lots 21 through 26, Block 4) to serve Whispering Lakes Estates Addition - south of Harry, west of 159th Street East. (472-84367/765980/490095) Does not affect existing traffic. (District II)

APAC – Kansas Inc. - \$219,544.87

Motion--
--carried

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: One-Hundred Forty-four (144) Ultraviolet Lamp Assembly, 28", P/N 441144-028 @ \$264.00 each.

Ray Lindsey Company* - \$38,016.00 (Plus freight)

*Purchasing Ordinance No. 35-856 Section 2.64.020 (b) –
Sole Source of Supply

PUBLIC WORKS DEPARTMENT/FLEET DIVISION: 40 each – LFL Liberty Lightbars.

OMB Police Supply State of Kansas Contract #08156* - \$57,080.00

*Purchases utilizing Government Entities Contracts, Cooperative Contracts and
Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

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VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Tires- Passenger, Pursuit & Truck.

Wiechman-Bush Tires Inc. – \$ 8,061.50* (Group 1 base bid)
 \$ 47,480.00* (Group 2 base bid)
 \$ 41,796.50* (Group 3 base bid)
 <-\$ 600.00>* (Group 3/Option 5 deduct)
 \$ 43,820.00* (Group 4 base bid)
 <-\$ 3,000.00>* (Group 4/Option 1 deduct)
 <-\$ 6,000.00>* (Group 4/Option 2 deduct)
 <-\$ 2,000.00>* (Group 4/Option 3 deduct)
 \$ 7,289.00* (Group 5 base bid)
 <-\$ 250.00>* (Group 5/Option 1 deduct)
 <- \$60.00>* (Group 5/Option 2 deduct)
 \$ 1,725.00* (Group 6 base bid)
 \$18,366.68* (Group 7 base bid)
 <-\$ 1,500.00>*(Group 7/Option 1 deduct)
 <-\$ 960.00>* (Group 7/Option 2 deduct)

*Estimate – Contract approved on unit cost basis.

Motion--
 --carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Kevin Raven	Taco Tico*	2051 South Seneca
Kevin Raven	Taco Tico*	1118 West Douglas
Kevin Raven	Taco Tico*	929 North Broadway
Kevin Raven	Taco Tico*	1303 North Tyler
Kevin Raven	Taco Tico*	311 East Pawnee
Kevin Raven	Taco Tico*	3257 East Harry
Kevin Raven	Taco Tico *	1230 South Rock Road
Kevin Raven	Taco Tico*	603 East 47th Street
Hunh Bui	Saigon Restaurant*	1103 West Broadway
Richard A. Diamond	Ty's Diner, Inc.*	928 West 2nd Street

<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Saeed Monsouri	Aria Enterprises LLC	12728 East Central
Edward J. Roitz	Fleming Convenience F190	233 South Maize Road
Mark Branham	Quik Trip #343	242 South Tyler
Mark Branham	Quik Trip #345	3020 South Meridian

<u>New Operator</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Kevin Raven	Taco Tico*	5120 East 21st Street

<u>New Operator</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Morrie J. Soderberg	Lighthouse Properties	1550 North Waterfront Parkway
John M. Vo	Discount Cigarettes #2	3448 West Douglas

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
 --carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

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PRELIM ESTS.

PRELIMINARY ESTIMATES:

- a) Water Distribution System to serve Casa Bella Addition - north of Pawnee, west of 127th Street East. (448-90112/735295/470966) Does not affect existing traffic. (District II) - \$162,000.00
- b) Lateral 39 Cowskin Interceptor Sewer to serve Highland Springs 3rd Addition - south of Central, west of 135th Street West. (468-83636/744183/480871) Does not affect existing traffic. (District V) - \$179,000.00
- c) Water Distribution System to serve Blue Sky Addition - north of Douglas, west of West Street. (448-90160/735309/470980) Does not affect existing traffic. (District IV) - \$30,000.00
- d) Jade Avenue from the north line of the plat, south to the north line of Sunflower Drive; Sunflower Drive from the west line of Jade Avenue west to the east line of Cedardale Avenue; Cedardale Avenue from the north line of the plat, south and east to the west line of Jade Avenue; Jade Avenue from the south line of Cedardale Avenue north to the south line of Sunflower Drive; Sidewalk on Jade Avenue to serve Clifton Cove Addition - south of 63rd Street South, west of Clifton. (472-84227/765993/490110) Does not affect existing traffic. (District III) - \$429,000.00
- e) Wichita Drainage Canal Phase 2 - along the Wichita Canal, south of K-15 and Grove, north to south of Douglas. (468-84119/660794/864409) Does not affect existing traffic. (Districts I, III) - \$138,950.00
- f) 2006 Contract Maintenance Asphalt Street Repairs & Natural Latex Modified Micro-Surfacing - west of Rock Road, south of 29th Street North. (472-84375/132719/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV) - \$231,999.80
- g) 2006 Contract Maintenance Ultrathin Asphalt Overlay - west of Rock Road, south of 21st Street North. (472-84378/132719/620447/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, VI) - \$378,000.00
- h) The cost of Façade Improvement Program at 504 E. Douglas in J.R. Mead's Addition on Douglas Avenue - east of Emporia. (472-83763/766004/491-005) (District VI) – Total Estimated Cost \$63,750.00.
- i) The cost of Auburn Hills to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (472-84146/765926/490-039) (District V) – Total Estimated Cost \$49,980.00.

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

PETITION

PAVE STREETS IN FOX RIDGE ADDITION, NORTH OF 29TH STREET NORTH, WEST OF TYLER. (DISTRICT V)

Agenda Report No. 06-0609

The Petition has been signed by one owner representing 100% of the improvement district.

The paving project will serve a new residential development located north of 29th St. North, west of Tyler.

The Petition totals \$675,000. The funding source is special assessments.

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This project will address the Efficient Infrastructure goal by providing paving improvements necessary for a new residential development. It will also address the Economic Vitality and Affordable Living goal by facilitating new residential development that is vital to Wichita's continued economic growth.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-350

Resolution of findings of advisability and resolution authorizing constructing pavement on Grey Meadow from the north line of Westlakes Parkway to the east line of Flat Creek; paving Grey Meadow courts serving Lots 80 through 94, Block 1 from the north line of Grey Meadow to and including the cul-de-sac; paving Flat Creek from the west line of Grey Meadow to the south line of lot 79, Block 1; and paving Flat Creek Court and Circle serving Lots 60 through 79, block 1, from the north line of Grey Meadow to and including the cul-de-sac (north of 29th St. North, west of Tyler) 472-84421, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

PETITION

CONSTRUCT A STORM WATER DRAIN IN WHISPERING LAKES ESTATES ADDITION, SOUTH OF HARRY, WEST OF 159TH STREET EAST. (DISTRICT II)

Agenda Report No. 06-0610

On January 24, 2006, the City Council approved a Petition to construct a storm water drain in Whispering Lakes Estates Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located south of Harry, west of 159th St. East.

The existing Petition totals \$376,000 with the total assessed to the improvement district. The new Petition totals \$411,000 with the total assessed to the improvement district.

This project will address the Efficient Infrastructure goal by providing drainage improvements necessary for a new residential development. It will also address the Economic Vitality and Affordable Living goal by facilitating new residential development that is vital to Wichita's continued economic growth.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-351

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 288 (south of Harry, west of 159th Street east) 468-84143, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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STREET CLOSURE CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 06-0611

In accordance with the Community Events Procedure, the event promoter is coordinating with area business owners and making arrangements with Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Automobilia Moonlight Car Show and Street Party July 8, 2006 4:00 pm – 12:00 am

§ First Street, Broadway to Mosley. Second Street to Douglas, including Rock Island, Mead, St. Francis, Emporia and Topeka Streets in Old Town.

o July 8, 2006 4:00 pm – 12:00 am

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Enhance the Quality of Life.

Motion--

Mayans moved that the request be approved subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator. Motion carried 7 to 0.

--carried

GYPSUM CREEK GYPSUM CREEK CHANNEL IMPROVEMENTS WEST OF HILLSIDE. (DISTRICT III)-SUPPLEMENTAL.

Agenda Report No. 06-0612

In 1991, PB Booker Associates, Inc. was hired to design channel improvements for Gypsum Creek, west of Hillside. The original design was to increase the capacity of the channel and provide 100-year flood protection for Joyland Amusement Park and surrounding properties. However, due to objections from environmental review agencies, the project was redesigned and scaled back to a bank stabilization project.

During the June 13, 1997 flood, Joyland suffered extensive damage and was closed for many days. The owners of Joyland met with Public Works representatives and have also appeared before the City Council stating that the bank stabilization project was no longer acceptable and wants the full channel improvements constructed. In 1998, interested parties met with environmental agencies and found an acceptable design to construct the channel and take care of the environmental concerns. PB was given a Supplemental Agreement November 17, 1998 to cover the work necessary to update the plan. This design, which was completed in April 2000, was never built due to easement issues with the Joyland owners and CIP scheduling.

In 2003, the Federal Emergency Management Agency (FEMA) revised the Gypsum Creek flood study and showed an increase in the 100-year Base Flood between 1 and 2 feet through the project area. To account for this in our design, the project plans must now be revised and Federal and State permits updated. This Supplemental Agreement with PB will allow the plans and permits to be updated.

The proposed Supplemental Agreement between the City and Parsons Brinkerhoff (PB) and the proposed Resolution will authorize the issuance of bonds by the City of Wichita to design and construct a fully stabilized channel lining above the ordinary high water elevation between Hillside Ave. and the concrete lined channel in Joyland Park which will contain the FEMA 100-year Base Flood discharge within the banks of Gypsum Creek.

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The budget contained in the Storm Water Utility CIP is \$605,000. The estimated design, construction and right-of-way cost for the project is \$2,100,000. In 1998, the scope of the project was expanded from a bank stabilization project to include a flood control component that was not reflected in the CIP budget. Funding for the budget increase is available from the Murdock and Wabash drainage project that is unable to be constructed at this time due to current environmental and groundwater requirements. Payment to PB will be on a lump sum basis of \$67,200.00, and will be paid by General Obligation Revenue Bonds.

This project addresses the Ensure Efficient Infrastructure goal by improving stormwater conveyance and reducing flood losses.

The Supplemental Agreement has been approved as to legal form by the Law Department.

Motion--
--carried

Mayans moved that the Resolution be adopted; the supplemental Agreement approved and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-357

A Resolution finding it necessary to make certain improvements to the channel along gypsum Creek, west of Hillside Avenue, 468-82473, and authorizing the issuance of bonds by the City of Wichita at large, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESURFACING

STREET RESURFACING PROJECT ON KELLOGG FROM WEBB ROAD TO THE EAST CITY LIMITS. (DISTRICT II)

Agenda Report No. 06-0613

The Kansas Department of Transportation (KDOT) has available a street resurfacing (KLINK) program for cities which have highway connecting links within their city limits. The KLINK program is intended for resurfacing improvements on the connecting links, which are maintained by the cities.

KDOT has advised the City of Wichita that KLINK Fiscal year 2007 funds in the amount of \$200,000 have been allocated for a resurfacing project on Kellogg from approximately one-quarter mile west of Webb Road to the east city limits.

The estimated total cost of this project is \$400,000. The Agreement provides that KDOT will reimburse the City in the amount of fifty percent of the approved construction cost including construction engineering and contingencies, but not to exceed a maximum of \$200,000.

Funding in the amount of \$200,000 is available in the Street Maintenance Operating budget for the local portion of the cost of this project.

This Agreement addresses the Efficient Infrastructure goal by providing funding for maintenance of a vital vehicular transportation route.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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WHISPERING LAKES CONSTRUCTION ENGINEERING AND STAKING IN WHISPERING LAKES ESTATES ADDITION, SOUTH OF HARRY, WEST OF 159TH STREET EAST. (DISTRICT II)- SUPPLEMENTAL.

Agenda Report No. 06-0614

The City Council approved the storm water drainage improvements in Whispering Lakes Estates Addition on January 24, 2006. On February 14, 2006 the City approved an Agreement with Ruggles & Bohm, P.A. (R&B) to design the improvements. The Design Agreement with R&B requires R&B to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and R&B provides for construction engineering and staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to R&B will be on a lump sum basis of \$27,000 and will be paid by special assessments.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of drainage improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

EMERALD BAY CONSTRUCTION ENGINEERING AND STAKING IN EMERALD BAY ESTATES ADDITION, WEST OF WEST STREET, NORTH OF 21ST STREET. (DISTRICT V)

Agenda Report No. 06-0615

The City Council approved the sewer improvements in Emerald Bay Estates Addition on January 24, 2006. On February 7, 2006 the City approved an Agreement with Ruggles & Bohm, P.A. (R&B) to design the improvements. The Design Agreement with R&B requires R&B to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and R&B provides for construction engineering and staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to R&B will be on a lump sum basis of \$59,400 and will be paid by special assessments.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of sewer improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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N.W. OUTFALL

9TH STREET AND NORTH WEST OUTFALL TO THE ARKANSAS RIVER. (DISTRICT VI)

Agenda Report No. 06-0616

The 2005-2014 Capital Improvement Program adopted by the City Council includes funding for a new major drainage outlet between the Arkansas River and West Street in the 9th Street corridor.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. provides for the concept and final design of the 9th Street drainage outfall. The Staff Screening and Selection Committee selected MKEC Consulting for the design on March 10, 2006. The Resolution includes funds necessary for possible right-of-way acquisition as identified through the design process.

The budget contained in the Storm Water Utility CIP is 5.25 million dollars. The estimated design cost for the project is \$300,000. Payment to MKEC Engineering Consultants, Inc. will be on a lump sum basis of \$275,250 and will be paid by General Obligation Revenue Bonds. The estimated right-of-way budget is \$250,000.

This project addresses the Ensure Efficient Infrastructure goal by improving the stormwater system's capacity and providing dependable transportation systems.

The Agreement has been approved as to legal form by the Law Department.

Motion--
--carried

Mayans moved that the design Agreement be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-352

A Resolution finding it necessary to make certain improvements to construct a drainage outfall along 9th Street from the Arkansas River to North West Street, 468-84179, and authorizing the issuance of bonds by the City of Wichita at large, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

DRY CREEK

DRY CREEK CHANNEL IMPROVEMENTS BETWEEN LINCOLN AND ORME. (DISTRICT III)

Agenda Report No. 06-0617

The 2005-2014 Capital Improvement Program adopted by the City Council includes funding for improving the natural channel of Dry Creek between Lincoln and Orme by constructing a low flow channel with a grassed overbank area and replacing the bridge at Gilbert Ave. Constructing this project would lower flood elevations in this area by 1 to 2 feet.

The proposed Agreement between the City and Black & Veatch provides for the concept and final design of channel improvements on Dry Creek from Lincoln to Orme and includes investigating bridge improvements on Edgemoor over the East Branch of Dry Creek. The Staff Screening and Selection Committee selected HNTB for the final design on March 10, 2006.

The budget contained in the Storm Water Utility CIP is \$1,300,000. The estimated design for the project is \$200,000. Payment to Black & Veatch will be on a lump sum basis of \$190,000, and will be paid by General Obligation Revenue Bonds. The remaining funds will be utilized for right-of-way acquisition as identified through the design process.

This project addresses the Ensure Efficient Infrastructure goal by improving stormwater channel conveyance and reduces flood losses.

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The Agreement and Resolution has been approved as to legal form by the Law Department.

Motion--
--carried

Mayans moved that the design Agreement be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-353

A Resolution finding it necessary to make certain improvements to the channel along Dry Creek between Lincoln and Orme, 468-84177, and authorizing the issuance of bonds by the City of Wichita at large, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

GYPSUM CREEK

GYPSUM CREEK CHANNEL IMPROVEMENTS BETWEEN ROCK ROAD AND EASTERN AVENUE. (DISTRICT II)

Agenda Report No. 06-0618

The 2005-2014 Capital Improvement Program adopted by the City Council includes funding for improving the natural channel of Gypsum Creek between Rock Road and Eastern Avenue by constructing a low flow channel with a grassed over bank area. Constructing this project would lower flood elevations in this area by 2 to 4 feet.

The proposed Agreement between the City and HNTB Corporation provides for the final design of channel improvements on Gypsum Creek from Rock Road to Eastern Avenue and includes updating the FEMA flood model for the improvements in Kellogg. The Staff Screening and Selection Committee selected HNTB Corporation for the final design on March 10, 2006.

The budget contained in the Storm Water Utility CIP is \$1,200,000 dollars. The estimated design for the project is \$200,000. Payment to HNTB Corporation will be on a lump sum basis of \$177,255 and will be paid by General Obligation Revenue Bonds. The remaining funds will be utilized for right-of-way acquisition as identified through the design process.

This project addresses the Ensure Efficient Infrastructure goal by improving stormwater channel conveyance and reduces potential flood losses.

The Agreement has been approved as to legal form by the Law Department.

Motion--
--carried

Mayans moved that the design Agreement be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-354

A Resolution finding it necessary to make certain improvements to the channel along gypsum Creek, between Rock Road and Eastern Avenue, 468-84178, and authorizing the issuance of bonds by the City of Wichita at large, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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IMPROVEMENTS

WATERMAN, ARKANSAS RIVER TO WASHINGTON IMPROVEMENTS. (DISTRICT I)

Agenda Report No. 06-0619

On May 16, 2006, the City Council approved a project to construct Phase I drainage and paving improvements at Waterman between the Arkansas River and Main Street. A 48" waterline will also be installed as part of the project. Professional Engineering Consultants, P.A. (PEC) has been selected to provide the construction plans for the Phase I improvements and Phase II improvements between Main and Washington.

The proposed Agreement between the City and PEC provides for designing the storm drain, waterline and Waterman paving improvements from the Arkansas River to Washington.

Payment to PEC will be on a lump sum basis of \$595,418, and will be paid by General Obligation bonds and Water Utility funds.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed to provide viable transportation and water utility systems for the community and the Dynamic Core Area and Vibrant Neighborhoods Goal by improving vehicular access and drainage for the new sports arena.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPERTY ACQ.

PARTIAL ACQUISITION OF LAND IN THE SOUTHEAST CORNER OF MAPLE STREET AND 151ST STREET WEST. (DISTRICT V)

Agenda Report No. 06-0619A.

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve 151st St. West between Kellogg and Maple in 2012. In the interim, it is proposed that the unpaved section of 151st Street between Maple and ½ mile south of Maple be paved to a two-lane asphalt mat standard. A partial acquisition containing 1,200 square feet from the property located at the southeast corner of Maple and 151st is necessary to match the grade at Maple and improve traffic visibility. Construction is planned to begin next summer.

The land was appraised at \$900.00, or \$0.75 per square foot. An estimate to reset the existing fence was obtained. The owner was offered \$2,525.00 and accepted.

A budget of \$2,925.00 is requested for the acquisition. This amount includes \$2,525.00 for the acquisition and \$400.00 for closing costs and title insurance. The funding source is General Obligation Bonds.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contract and the budget be approved and the necessary signatures authorized. Motion carried 7 to 0.

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PROPERTY ACQ.

PARTIAL ACQUISITION OF LAND FOR RIGHT-OF-WAY IN THE 7800 BLOCK OF WEST 37TH STREET NORTH. (DISTRICT V)

Agenda Report No. 06-0620

In January 2006, staff was instructed to pursue acquisition of several tracts of land for roadway and storm water drainage improvements along West 37th Street between Ridge Road and Tyler Road. There are five tracts required for the project. These are strip acquisitions along the north line of three residentially zoned parcels and two commercially zoned parcels. The owners of the commercial parcels have agreed to donate the necessary right-of-way and easements. On April 25, 2006 the City Council approved acquisition of the residential properties through eminent domain and staff was instructed to continue the negotiations. This particular tract impacted by the project is approximately 18.6 acres of vacant agricultural land along the south side of 37th Street, west of 7817 West 37th Street. A strip containing 23,105.1 square feet is required.

The agricultural tract was appraised at \$10,300 (\$.315 per square foot). The owner presented comparable sales supporting up to \$1.00 per square foot. The owner has agreed to sell the 23,105 square foot strip for \$23,105 or \$1.00 per square foot.

A budget of \$23,905 is requested for the acquisition. This amount includes \$23,105 for the acquisition and \$800 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administrated by the Kansas Department of Transportation.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contract and the budget be approved and the necessary signatures authorized. Motion carried 7 to 0.

CONTS./AGMNTS

CONTRACTS AND AGREEMENTS FOR MAY 2006.

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

CHAPIN PARK

DESIGN SERVICES FOR CHAPIN PARK. (DISTRICT III)

Agenda Report No. 06-0621

Chapin Park, formerly the Chapin Landfill, is located at 3800 South Hydraulic in South Wichita along the Arkansas River. Over the years, the need for parkland in the south sector of the City has increased dramatically to meet the needs of a growing population. Currently, this park is actively being used by the Wichita Radio Control Club for model airplane flying.

On April 24, 2001 a "Needs Assessment Study" was completed by the firm of Rice Foster Associates for Garvey Park, Chapin Park and the Brooks Landfill site for future park development. The study completed an analysis of park needs at the Chapin Site by conducting several public meetings with stakeholders and meeting participants. An oversight committee determined and prioritized these needs, which provided useful direction to the Park and Recreation Department. As a result, a preliminary conceptual plan was developed as a basic blueprint for future development.

The need to develop a refined and updated design, complete with plans and specifications, is required to begin the development of this park. The city will need to select a firm specializing in park design to obtain design services.

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Funding for the design fees for this project is provided by 2006 Park and Recreation Capital Improvement Project Funds in the amount of \$70,000. In 2007, a total of \$700,000 in CIP funding is available for park development.

The initiation of this project will greatly enhance the Quality of Life for citizens of Wichita and neighborhood citizens by increasing the recreational opportunities and activities for them to participate in.

The Law Department has approved the bonding resolution as to form.

Motion--
--carried

Mayans moved that the bonding resolution be adopted and the initiation of the project, the hiring of design consultants and all the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-355

A Resolution authorizing the issuance of bonds by the City of Wichita at large for Design services for Chapin Park Improvements, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

LIABILITY INS.

2006 FEDERAL EXCESS LIABILITY INSURANCE COVERAGE.

Agenda Report No. 06-0622

Annually the City places a number of insurance policies to provide coverage for risks to the City of Wichita and its employees. These policies include property, data processing, boiler/machinery, burglary/theft, employee dishonesty, excess workers compensation liability and helicopter general liability. In addition, to administer the Risk Management program, various services are contracted including outside appraisal services; software support; medical bill review and nurse case management for workers compensation, employment physicals and drug tests; vehicle rental services for private claimants; and several medical service providers for workers compensation.

On December 13, 2005, the City Council approved a contract for 2006 insurance placement services for property and casualty insurance with Marsh, USA. The City opted to renew Marsh, USA's contract for placement of all applicable 2006 insurance policies. All insurance policies were placed into effect on January 1, 2006 except for Federal Excess Liability coverage.

The 2006 insurance program included all insurance policies except, the following: Federal Excess Liability Coverage.

At the December 13, 2005 City Council meeting, the City had solicited quotes for placing Federal Excess Liability Insurance and Out of State Insurance. This coverage does not cover the misuse of federal funds by staff. The coverage applies to Federal lawsuits and out of state lawsuits where the Kansas Tort Claims Act does not protect the City of Wichita. This coverage is often maintained in cities similar in size to Wichita to serve as a backstop for significantly high cost liability exposures.

Some of these exposures are, but not limited to: civil rights violations and actions brought on by laws of other states, such as out-of-state automobile accidents. Coverage with a \$5 million limit and a \$500,000 deductible was available for a \$530,000 annual premium in December 2005. Staff was to perform additional market research, aimed at clarifying risks for the City and attempt to secure a lower premium, and present this item to the City Council in the future.

Staff has completed their review. The Department of Finance working with the Department of Law are recommending accepting the insurance quotation for Federal Excess Liability actions only from AIG. The insurance coverage would be for a \$10 million dollar limit with \$2 million dollar retention. Defense costs would be included in both the City's retention and limits of the insurance liability. The total premium per year is \$200,173.

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The premium for the insurance policy is appropriated in the adopted Risk Management budget.

The goal impact will be internal perspective and is designed to reduce City liability.

The City's liability on tort claims is limited under KSA 75-6105 to \$500,000 per claim under state law. This does not cover violations of federal law. City Code 2.64.020 (h) authorizes the Purchasing Manager to negotiate the purchase of insurance coverage.

Motion--
--carried

Mayans moved that the 2006 Federal Excess Liability Policy Insurance with AIG in the annual amount of \$200,173 be received, filed and ratified. Motion carried 7 to 0.

STATE OFF BLDG.

STATE OFFICE BUILDING FUND BUDGET ADJUSTMENT. (DISTRICT VI)

Agenda Report No. 06-0623

The State Office Building and garage facilities are maintained by the City's Public Works Department. Revenue from the State finances the custodial, maintenance and operating expenses of the State Office Building and garage. Under the terms of the lease, the City's annual operating expenses in excess of the maximum amounts stated in the lease are to be reimbursed by the State during the end-of-year reconciliation.

In addition to their day-to-day maintenance responsibilities, Public Works technicians monitor major building systems for mechanical and structural soundness. A recent review of the State Office Building heating, ventilation and air conditioning (HVAC) systems revealed that the cooling tower has developed serious corrosion problems and must be replaced. Attempts have been made in past years to extend its life with the hope of delaying its replacement, but the current condition of this critical air conditioning component dictates that it must be replaced before summer.

The State Office Building Fund 2006 Adopted Budget includes a contingency for major building repairs. In order to begin the cooling tower replacement project immediately, a budget transfer is required. The cost of the project will be \$112,560.00. All transfers would occur within the State Office Building Fund.

Ensure Efficient Infrastructure – Maintain and Optimize Public Facilities and Assets. Due to the cooling season quickly approaching, any further delay in completing the repairs to this cooling tower will have a significantly adverse impact on our ability to maintain comfort levels in the State Office Building and ensure an environment for effective delivery of State services to the Public.

Budget transfers over \$25,000 require City Council approval.

Motion--carried

Mayans moved that the budget transfer be approved. Motion carried 7 to 0.

DESIGN/BUILD

APPROVE A DESIGN/BUILD PROJECT FOR EXPLOSIVES FACILITY.

Agenda Report No. 06-0624

On April 4, 2006, the Wichita City Council authorized the purchase and improvements on a parcel of land in southwest Sedgwick County for use as a police explosives facility. The land has since been acquired by the City and is ready for development. The parcel is bounded by 327th and 343rd Streets West and 111th and 103rd Streets South. The current explosives facility at the Kingsbury Landfill is under development as a regional park. The development of the new facility in a timely manner is critical to keeping the regional park project moving forward without delay.

The site for the explosives facility will need to be fenced, explosives storage bunkers will need to be relocated from the Kingsbury site, an access road to the bunkers and operations areas will need to be built, electrical will need to be located, earthen berms will need to be created, and a prefabricated

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equipment building will need to be erected. The major emphasis of the improvements to the new facility will be dirt work. Public Works Project Management staff have recommended that due the simple design of this project, that a Design/Build Request For Proposal be the course of action. This type of project will require minimal architectural design. Using a design/build process will be more cost effective and accelerate the project completion.

A budget of \$487,000 is set for this project. This funding has been approved by previous Council action

The construction of the explosives facility impacts the "Provide and Safe and Secure Community" goal by providing a safe location for destruction of hazardous devices that would otherwise have to be dealt with in populated areas. This facility is expected to provide service for many decades.

Motion--carried

Mayans moved that a Design/Build Project for explosives facility be approved. Motion carried 7 to 0.

SIM PARK

SIM PARK MEMORIAL. (DISTRICT VI)

Agenda Report No. 06-0625

In 1917, Coler L. Sim donated land located just north of the confluence of the Arkansas and Little Arkansas Rivers to the City of Wichita in memory of his son Arthur. The deed associated with this land donation required the City to erect an entry feature. This entry monument was installed circa 1918 and has deteriorated with time and is in need of restoration. There is no known records of the last time any repair work was done to this structure.

Arthur B. Sim Memorial Park serves as a cornerstone of the Wichita Park system and is a key feature of the Arkansas River corridor. The entry feature located at the intersection of Amidon and Murdock consists of a large concrete monument, bronze dedication plaque, two stone columns, and surrounding landscaping. Restoration work will include resurfacing of all concrete work; stabilization, cleaning, sealing and tuck pointing on the stone columns and landscape work.

The Park Capital Improvement Plan includes \$100,000 in 2005 for restoration of the Sim Park entry monument. The funding source is General Obligation bonds.

Enhance the Quality of Life- Sim Park plays an important role in recreational activities for District VI. The entry feature is a reminder of the City of Wichita's appreciation to the Sim family for their donation and also serves as a tie to the history of this Park and the surrounding neighborhood.

The Law Department has approved the bonding resolution as to form.

Motion--
--carried

Mayans moved that the bonding resolution be adopted and the initiation of the project, issuance of an RFP and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-356

A Resolution authorizing the issuance of bonds by the City of Wichita at large for restoration work to the Sim Park Memorial entry feature, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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GRANT PROGRAM CRIMINAL JUSTICE LAW ENFORCEMENT GRANT PROGRAM.

Agenda Report 06-0626

The Target Corporation offers grant funding that focuses on preventing, deterring and detecting crimes and helping to create a safe environment. Applications must be completed by law enforcement and must be used to fund programs that focus on improving community outreach programs.

The Target Corporation is offering the Criminal Justice Law Enforcement Grant Program to local Law Enforcement Agencies in the Wichita and Sedgwick County area. This year's award is for up to \$2,000 to be used for improving community outreach programs. The Wichita Police Department is requesting the \$2,000 for an additional Police Bicycle and repairs to the two current bicycles used by School Liaison for the Bicycle Skills and Safety Clinics held each summer.

Grant funding is requested an amount not to exceed \$2,000 from the Target Company for the Criminal Justice Law Enforcement Grant Program. If approved, the grant will pay for one new bicycle and repair of two existing bicycles. No City funds are required.

The addition on one bicycle and repairs to the two current bicycles impacts the "Quality of Life" goal by provide youth a safe, supervised environment that reduces the risk of youth committing or becoming a victim of violent crime. The Bicycle Safety Clinic program provides a supportive environment with supervised activities that engage youth in physical activity and foster positive attitudes toward police officers and law enforcement. Studies have demonstrated that programs that expand community recreational and sports opportunities provide youth with an alternative to violent and criminal activity.

If the grant is funded, the Department of Law will review the grant agreement prior to formal acceptance.

Motion--
--carried

Mayans moved that the grant application be approved and the necessary signatures authorized.
Motion carried 7 to 0.

VISITORS BUREAU CONTINGENCY FUND USE FOR CONVENTION AND VISITORS BUREAU.

Agenda Report No. 06-0627

In an effort to make it possible to bring different conventions and events to Wichita, City Council established a "Convention Promotion Contingency" as part of the Tourism and Convention Fund in the annual budget. This allocation is funded from the transient guest tax. It is earmarked to fund special activities as deemed appropriate by the Greater Wichita Convention and Visitors Bureau to approach City Council for approval. The dollar amounts for each event reflects committed financial support of that event. After reviewing with City staff, the following funds are requested to support the GWCVB's efforts to sponsor a variety of events outlined below:

Ad Valorem Taxation Conference	\$ 1,500
Midwest Catholic Family Conference	\$ 2,000
KSHSAA State Track & Field	\$ 1,500
Classic Thunderbird	\$ 2,000
American Junior Golf Association	\$ 1,500
US Senior Open	\$ 4,000
KASSP/KAESP	\$ 1,000
CC of Jehovah's Witnesses	\$ 1,500
Preferred Health Systems Wichita Open	\$ 6,000
National League of Cities	\$ 3,500
The Great Race	\$ 4,000
Region VI Basketball	\$ 2,500
2006 Convention Assistance Requests as needed	<u>\$15,000</u>
(Including NFBPA: \$5,000 maximum)	

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Total Contingency Fund

\$ 46,000

It is anticipated that these investments will be paid back through the transient guest tax fund and through their attendee's spending money in the community at area retail, dining and entertainment facilities.

The 2006 Adopted Budget has \$100,000 in this fund. Therefore, there is enough money to grant these requests.

Economic Vitality: Conventions are a component of Economic Development.

There are no legal considerations.

Motion--
--carried

Mayans moved that the allocation from the contingency fund with the Convention and Tourism Bureau be approved. Motion carried 7 to 0.

TREATMENT PLANT SEWAGE TREATMENT PLANT 2-CONTRACT.

Agenda Report No. 06-0628

In 2001, the Water & Sewer Department purchased and installed an ultraviolet light disinfection system for Sewage Treatment Plant 2. This technology is used as a replacement for the gaseous chlorine system. There was a purchase agreement made with Trojan Technologies for the supply of units at Plant 2 and the Cowskin Creek Water Quality Reclamation Facility. Selection was based on a detailed review process considering the treatment and engineering aspects of several comparable products.

The ultraviolet disinfection units at both of the facilities are in place and have been operational for five years. These units require regular maintenance, including routine and no routine replacement of system components. The systems use over 300 lamps to accomplish consistent disinfection of the plant effluents. A major maintenance expense is the need to replace the bulbs after 5,000 hours of use.

To facilitate and expedite the purchase of replacement parts, Staff is requesting that a Contract be entered with Trojan Technologies for a period of one year with two one-year renewal options. This Contract is being requested as a sole source item, due to the proprietary nature of the parts and the need to receive equipment that will work with present systems.

The Water & Sewer Department has \$160,000 per year in the operating budget for the purchase of replacement equipment for disinfection systems. The Contract with Trojan Technologies will have a not-to-exceed price of \$160,000.

Ensuring efficient infrastructure is the goal impacted. This Contract will enable Staff to expedite the purchase of parts by decreasing the amount of downtime for equipment. This will ensure that the department is able to continue providing reliable, compliant and secure utilities.

Purchase Ordinance No. 35-856, Section 2(b) provides for the purchase of equipment and supplies from sole sources of supply without advertising for bids. The purchase will be made from Trojan Technologies Inc. The Contract will be reviewed and approved by the Law Department.

Motion--
--carried

Mayans moved that the purchase of the UV replacement parts and Trojan Technologies as the sole source of supply be approved and the necessary signatures authorized. Motion carried 7 to 0.

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CHAPTER 3.11

CREATION OF CHAPTER 3.11 TO ESTABLISH A PROCESS FOR PERMITTING SPECIAL EVENTS, AMENDMENTS TO SECTIONS 9.04.030 AND 9.04.190 REGARDING COMMUNITY EVENTS IN CITY PARKS AND AMENDMENTS TO SECTIONS 10.04.130, REGARDING STREET USAGE TO ALLOW OBSTRUCTIONS ASSOCIATED WITH APPROVED COMMUNITY EVENTS.

Agenda Report No. 06-0629

On May 9, 2006, the City Council passed ordinances establishing a process for the approval of community events. Due to an error, the chapter utilized for the ordinances, Chapter. 3.10, already contained code provisions regulating temporary storage containers.

The amendments correct the discrepancy in code sections, which is necessary for the new Community Events ordinances to be codified. The additional amendments correct references to the community events chapter contained in park and street usage ordinances.

The Community Events Ordinance will enhance the quality of life for the residents of the City of Wichita.

The ordinances have been prepared and reviewed by the Law Department and have been approved as to form.

Motion--
--carried

Mayans moved that the ordinances be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance creating Chapter 3.11 of the Code of the City of Wichita, Kansas, pertaining to community events, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending Sections 9.04.030 and 9.04.190 of the Code of the City of Wichita, Kansas, pertaining to conduct in parks and repealing the originals of 9.04.030, and 9.04.190, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending Section 10.04.130 of the Code of the City of Wichita, Kansas, pertaining to obstructing streets and sidewalks and repealing the originals of said Section, introduced and under the rules laid over.

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CLAIM

SETTLEMENT OF CLAIM.

Agenda Report No. 06-0636

This claim results from an accident in July, 2005 between an automobile in which claimant was a passenger and an automobile driven by a Wichita Police Officer. The officer was traveling to an arrest scene to back up another officer.

After investigating the claim, evaluating the extent of the claimed damages, and considering the risks of trial, the City determined that a resolution of this matter was appropriate. After some discussion, the City has been offered an opportunity to resolve the claim with a lump sum payment of \$32,500 to the vehicle passenger as full settlement of his claims arising out of this transaction. Settlement would include a full release of liability for the city and the individual Police Officer and resolution of existing hospital liens. Because of the risks associated with litigation, the Law Department recommends acceptance of the offer.

Funding for this settlement payment of \$32,500 is from the Tort Claims Fund.

The Law Department recommends acceptance of the offer of settlement.

Motion--

Mayans moved that the payment of \$32,500 as full settlement of all possible claims from the vehicle passenger arising out of the transactions, which are the subject of this claim, be approved. Motion carried 7 to 0.

--carried

CLAIM

SETTLEMENT OF CLAIM.

Agenda Report No. 06-0637

This claim results from an accident between plaintiff's automobile and an automobile driven by a Wichita Police Officer. The officer was traveling to an arrest scene to back up another officer.

After investigating the claim, evaluating the extent of the claimed damages, and considering the risks of trial, the City determined that a resolution of this matter was appropriate. After some discussion, the City has been offered an opportunity to resolve the claim with a lump sum payment of \$35,000 to the vehicle driver as full settlement of his claims arising out of this transaction. Settlement would include a full release of liability for the city and the individual Police Officer and resolution of existing hospital liens. Because of the risks associated with litigation, the Law Department recommends acceptance of the offer.

Funding for this settlement payment of \$35,000 is from the Tort Claims Fund.

The Law Department recommends acceptance of the offer of settlement.

Motion--

Mayans moved that the payment of \$35,000 as full settlement of all possible claims from the vehicle driver arising out of the transaction, which is the subject of this claim be authorized. Motion carried 7 to 0.

--carried

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JUNE 6, 2006)

- a) Tax Exemption Request, Weaver Manufacturing, Inc. (District I)

ORDINANCE NO. 47-042

An ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Weaver Manufacturing, Inc., so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- b) Child Passenger Safety Act Amendment, Section 11.38.370.

ORDINANCE NO. 47-043

An Ordinance amending Section 11.38.370 of the Code of the City of Wichita, Kansas, pertaining to the Child Passenger Safety Act, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- c) Maize and Westport Intersection Improvement. (District V)

ORDINANCE NO. 47-044

An ordinance amending Ordinance No. 46-626 of the City of Wichita, Kansas declaring the Intersection of Maize Road at Westport (472-84244) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- d) Greenwich Road Improvement, between 26th and 29th Street North. (District II)

ORDINANCE NO. 47-045

An Ordinance declaring Greenwich, between 26th Street North and 29th Street North (472-84415) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

Motion--carried

Mayans moved that the ordinances be adopted. Motion carried 7 to 0.

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UNFINISHED BUSINESS:

PRISONER REENTRY PROGRAM MEMORANDUM OF AGREEMENT.

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Report No. 06-0630

On March 8, 2005, the City Council approved a pilot project to serve 150 high-risk offenders scheduled for release in Sedgwick County. The project was originally presented in concept by the Task Force on Offender Reentry in 2004, at which time staff was directed to discuss the project with District Advisory Boards. Following those discussions in which all DABs voted in support of the project, it was presented for Council approval on March 8, 2005. The Council approved the project and authorized staff to work with the Kansas Department of Corrections and Sedgwick County to determine the extent and scope of the City's involvement in this project.

The staff work has resulted in the development of a Prisoner Reentry Project which will be funded with cash contributions from the State Department of Corrections and Sedgwick County, and in-kind support from the City of Wichita. The State/County funds will support salaries and equipment for two City of Wichita positions for three years. The City's in-kind match will include the value of office space, miscellaneous office supplies and equipment, and staff supervision. The City Council received a workshop presentation on March 28, 2006, on the Reentry program and companion neighborhood improvement initiative (Transforming Neighborhoods).

On April 18, 2006, the City Council authorized creation of two positions to implement the program.

The Prisoner Reentry Program will provide supervision and support services to 125-150 offenders who are returning to Wichita. The offenders are being identified from among the Kansas prison population and will receive intensive counseling and training prior to their return. The two funded City positions, Housing Landlord Leasing Specialist and Police Officer, will work with the offenders to facilitate their reintegration.

The City Attorney's office has reviewed and approved the Memoranda of Agreement as to form.

These Memoranda will contribute to the Safe and Secure Community goal.

The City has no financial obligation other than as identified as in-kind match. The State/County funding commitment is \$60,000 for the Housing position and \$71,250 for the Police position, as spelled out in the Memoranda of Agreement.

Council Member Martz

Council Member Martz stated that he has a concern with the way the financing of this is set up in the future. Stated that he understands that the first three years, the state and the county are either paying for all of it or a portion of it and his concern is that we would create two new positions and how will they be paid for three years from now.

Mary K. Vaughn

Director of Housing and Community Services explained that they would be handled as their other grant funded positions. Stated that if the grant funds were no longer available, then the position would not be funded.

Council Member Martz

Council Member Martz stated that this is a great program and the state is encouraging us to do this but two to three years from now, we will have to find the money to keep this program in existence on a state created program.

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- Council Member Fearey Council Member Fearey stated that being on this committee it is her understanding that the idea is that this program will save the state so much money and that the money will keep coming and it is her understanding that these people know that this is a grant funded position and at the end of this time, if the program is not saving the money to fund itself or if it is saving the money but it is not coming back to where it needs to be used, then those positions may no longer exist. Stated that the State Department of Corrections is the one pushing this and they feel that it will be a savings and they want this savings to counteract the high number of people going back to prison.
- Council Member Martz Council Member Martz stated that he feels it is a good program but feels like it is an unfunded mandate that the state is laying on the City of Wichita. Stated that they are putting a program together that once it is in place, it is going to be hard to turn down eventually and they may not be willing to fund it three years from now.
- Council Member Fearey Council Member Fearey stated that it would be more to their benefit than the City's benefit as far as keeping these people out of their prison system.
- Council Member Gray Council Member Gray asked if the state is the one who benefits this then why does the state not carry these positions.
- Mary K. Vaughn Director of Housing and Community Services explained that the City is the local government and it would make sense for the City of Wichita to be a party and a partner with the state and county in this initiative and that we have local experience in the housing area and that is part of the thinking. Stated that there was to be a three government partnership which would be the state, county and city and the city's role in this was a non-financial role, which is one that is attractive from their perspective and that is our way of joining arms with the state and the county to try to deal with a problem that is really impacting us at the city level and our communities.
- Council Member Brewer Council Member Brewer stated that this is an issue that he and Council Member Fearey have been working on for quite some time and we are working in a collaborative effort. Part of the problems that they have is trying to come up with ways of being able to stop the reentry program and address the issue as a whole once the individual is released and identifying what their needs are. Stated that we need to start this process before they are released back into society and try to figure out solutions to their problems. Thinks it is important to measure what the outcomes are and if it becomes a good investment then maybe should look at it in the future and if not, then it should be made very clear from the beginning then we should stop it and it is over. Stated that he feels that this information should be put out there from the beginning.
- Mary K. Vaughn Director of Housing and Community Services stated that this is being described as a pilot program and one of the things that the state officials have indicated is that there is some interest from the foundation communities from the national perspective and how things go in Wichita so she thinks that there is tremendous potential for us to attract that kind of attention. Stated that the Initial Council of State Governments is one of the national partners with us who is looking at how we are designing this and will be following it and thinks that there is potential for continued funding. Stated that we do have a number of positions that are grant funded in our organization and when we make those types of hires we make them sharing with the employee that we have funding for a certain number of years and hope that we can continue as long as the service is beneficial.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion-- Mayans moved that the Memoranda of Agreement with the Kansas Department of Corrections (DOC) for delivery of services to offenders preparing for release from DOC facilities be approved. Motion carried 7 to 0.
- carried

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NEW BUSINESS

DR2005-32

DR2005-32-PROPOSED AMENDMENTS TO THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE AND TITLE 26 OF THE CODE OF THE CITY OF WICHITA PERTAINING TO MANUFACTURED HOME PARKS.

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 06-0631

In 2002, the cities of Wichita and Haysville and Sedgwick County adopted the South Wichita-Haysville Area Plan. This plan addressed numerous community redevelopment and revitalization issues for several low-moderate income neighborhoods located in south Wichita and Haysville and in nearby unincorporated portions of Sedgwick County. The plan contained 59 recommended strategies to achieve positive long-term change, including recommendations to revise regulations for manufactured home parks.

Additionally, in 2004, the State Legislature passed legislation that pre-empted municipalities from licensing manufactured home installers. While revising the licensing code to eliminate local requirements, staff met with industry representatives and neighborhoods to develop procedures to more effectively address a number of health and safety issues, which have been raised regarding manufactured home parks.

In late 2005, under direction from the City Council members representing Districts III and IV, Planning staff reviewed the recommendations of the plan, considered citizen complaints, and drafted proposed revisions to manufactured home park regulations. The proposed revisions do not implement the recommendations of the plan in their entirety; rather, the proposed revisions attempt to provide reasonable regulations that address identified issues such as older, non-conforming parks that do not meet code; less than desirable setbacks and screening; insufficient drive widths; and an increased ability to enforce codes pertaining to nuisances and blight. The amendments establish criteria for staff to evaluate in issuing or to revoke a manufactured home park license. The amendments additionally set forth procedures for notification to park owners of ordinance violations, and require compliance with health and zoning codes prior to a license being issued or renewed.

Numerous public meetings were held to receive input from representatives of the manufactured home park industry as well as concerned citizens. Numerous modifications of the original staff proposal were made in order to address issues raised at these meetings. The final staff proposal is summarized in Attachment 1.

In February and March, each District Advisory Board reviewed the proposed manufactured home park regulation changes. A report entitled "District Advisory Board Overview: Proposed Manufactured Home Park Zoning and Licensing Code Amendments" (Attachment 2) is attached and summarizes the feedback from the District Advisory Boards.

The Metropolitan Area Planning Commission held public hearings on the proposed manufactured home park regulation changes on March 16, May 4, and May 18. In the opinion of the MAPC, the proposed requirement that manufactured home parks come into compliance with the current screening requirement even though the requirement was not in place at the time the park was developed is too onerous. Therefore, at the May 18 hearing, the MAPC voted (10-2) to recommend approval of the manufactured home park regulation changes proposed by staff with the exception that the two sections listed below pertaining to requiring all parks to comply with the current screening standard and a waiver process for the screening requirement be eliminated. The code revisions as recommended by the MAPC for licensing are contained in Attachment 3. The code revisions as recommended by the MAPC for zoning are contained in Attachment 4.

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1. Section 26.04.120(i) - Screening of Existing Parks -- Manufactured home parks with two or more spaces must be screened as required by the Unified Zoning Code, Title 28 of the Code of the City of Wichita. At the time of renewal of a manufactured home park license, the office of central inspection shall notify such parks if screening is required pursuant to Section IV-B.3.a. [Excluding Section IV.B.3.a (1)] of the Unified Zoning Code, Title 28 of the Code of the City of Wichita. If screening is required, the licensee shall have twenty-four months from the receipt of notification from the office of central inspection to complete such screening requirements.

2. Section V-I.2.o. - Reducing or waiving the required screening specified in Sec. IV-B.3.a of this Code for a manufactured home park when said screening is required by Section 26.04.120(i) of the Code of the City of Wichita. Screening may be reduced or waived for any manufactured home park. Additionally, a reduction or waiver of the screening requirement shall be granted if the abutting property is undeveloped; developed with a non-conforming use; developed with an institutional or multi-family use; or developed with a golf course, public or private park, or open space reserve; or when existing topography or vegetation on the abutting and/or subject property provide a natural screen.

Fees for manufactured home licenses have been increased slightly to offset the costs of staff reviewing and inspecting parks before licensing.

The proposed manufactured home park regulation changes address the goal to support a dynamic core area and vibrant neighborhoods. By improving the compatibility of manufactured home parks with lower density housing and providing a greater ability to address nuisances and blight through code enforcement, the proposed changes will help increase neighborhood vibrancy citywide.

The ordinances have been reviewed and approved as to form by the Law Department.

Council Member Gray Council Member Gray stated that he has been contacted by several park and community owners and visited with them and wanted to say that in his view this is not a “witch hunt” or a way that the City is trying to get rid of mobile homes or manufactured housing. Stated that is not the case and that there are people who take care of their property and people who do not just like in homes and unfortunately with manufactured housing there are significantly more people who do not take care of their property then there are people that have site-built homes. Stated as long as you take care of your property and you follow the rules there will not be a problem but if you are letting your property get run down, we will have to deal with it just like we do with people who do not keep up their home properties. Stated it affects your neighbors and the community around you.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Judy Gomez Ms. Gomez stated that she resides at 2864 North Meridian and is representing neighbors who have organized to solicit the help from the City Council with the local situation. Stated that previous to this the Council received a letter from them dated May 24, 2006, expressing their concerns and today there are three neighbors from their action group that will present information. Stated that we citizens have a responsibility to monitor and work towards maintaining an acceptable standard of living and the best quality of life possible within our neighborhoods. Stated that we do this by forming neighborhood watches and neighborhood associations, by being good neighbors that look out for the welfare of one another and by familiarizing themselves with codes that ensure acceptable standards of decency within our neighborhoods. The purpose of City Code Section 8.01.010 is “to protect neighborhoods against physical, visual and economic deterioration.” Stated that the Pleasant Valley Mobile Home Park located in their neighborhood has become a habitational disgrace and a visual eyesore and that their concerns are for the tenants within as well as for the citizens within the surrounding neighborhood. Stated that their neighbors within the trailer park deserve better living conditions and the surrounding area deserves a more aesthetically pleasing complex. Stated that the homes in the Pleasant Valley area were constructed in the 1950’s with the Valley Park Addition being constructed in the 1970’s. Stated that the mobile home park has existed for 35 years and is presently categorized a non-conforming park and is protected by a grandfather clause that allows light-commercial zoning in a residential area. Stated that the park can accommodate 26 trailers but currently houses 17 and they were built before 1976, making them over 30 years old and illegal to move. Stated that current information retrieved from the tax registers lists 22 trailers with appraised values ranging from \$760.00 to \$4,560.00 and the

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accumulative appraised value of all the trailers is \$47,070.00, which translates to an average per trailer value of \$2,139.00. The appraised value of all the trailers combined does not equal the value of one home in this area. Stated that when they heard of the MAPC was studying proposed amendments to manufactured housing regulations, they organized and attended their meetings. Stated that they support the screening of manufactured housing and mobile home parks and stated so at the MAPC meetings. Stated that the manufactured industry and some park owners balked at the mention of screening even though a waiver had been included allowing parks the opportunity to apply for exclusion of required fencing. Stated that they have concluded that the mobile home parks such as the one in their neighborhood does not represent the industry nor does in represent the owners of well maintained, well run parks that belong to an association. Stated that it became evident to them that there are parks that would benefit from screening and for the tenants of the Pleasant Valley Mobile Home Park, they would be provided a barrier from the traffic and school buses that travel 29th Street North and St. Clair. Stated that there are numerous small children within the park and there is nothing between the trailers and the streets on three sides of this complex. Stated that the neighborhood would benefit by having the aesthetics of the mobile home park improved. Stated that a nice fence or vegetation barrier is far better than the current visual presentation experienced when driving or walking the neighborhood. Stated that they are requesting Council to consider mandatory screening of non-conforming mobile home parks within the City of Wichita, especially if the park distracts from the physical, visual and economic pleasure of the neighborhood the very qualities addressed in City Code Section 8.01.010.

Mike Harring

Mr. Harring stated that he resides at 2510 Valley Park and that they have lived there for 32 years and have been adjacent to the mobile home park for all that time. Stated that none of the parks that belong to the Manufactured Home Association needs to be screened because this particular park is less than 50 feet from the middle school where all the children gather, there is trash where they have torn trailers down, which are half there and would like to see something done about that. Stated that there is 300 signatures on the petition, which only covers a two-block square around the park and two blocks on the east side is a school.

Roger Crandon

Mr. Crandon stated that he is the president of United Christian Broadcasting and they broadcast in 61 cities throughout the country and while traveling to other cities, they seem to have a better plan than we do. Stated in 25 years the rules that we have now have never been enforced and the reality of the situation is that we take the individual to court, which takes 90 days to get him there and three years later there are no solutions. Stated that the industry says it is too expensive to spend \$20,000.00 to fence and screen and each one of the people in that area loses more than \$20,000.00 when they go to sale their house because it detracts from their property. Stated that the Council has to decide to vote with the citizens who what to improve the standards of the City or vote for the industry and the one guy who does not want to spend a dollar to improve his own property.

Martha Newsmith

Ms. Newsmith stated that she is the Executive Director for Kansas Manufactured Housing Association and is not familiar with Pleasant Valley Mobile Home Park and have seen pictures that were presented during the MAPC meeting and they do feel like what the Planning Commission proposed will address that problem and probably in a matter of time shut it down. Stated that you can either enforce your codes and take care of the problem and clean up the problem or you can pass an ordinance with a screening requirement that basically hides the situation if you do not enforce your codes. Stated that they feel what the Planning Commission proposed is a fair compromise for the City of Wichita, the residents and the manufactured housing industry.

Council Member Skelton

Council Member Skelton state that he is going to expect staff to address this situation and that there are unacceptable circumstances related to these manufactured home parks in his area and will be holding them accountable and will expect action and will not tolerate this continued blight in his area. Stated that we have an ordinance that is suppose to address a problem and he feels that before we start requiring walls, we need to give this a chance. Stated that there are several neighborhoods that would fall into the criteria of needing walls also. Stated that he feels that this is a reasonable approach to address this problem and will support it.

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Council Member Fearey Council Member Fearey stated that there are a lot of neighborhoods along Rock Road that like those solid screening walls because they also feel it makes their neighborhood better and that she does not think what is before the Council today is bad and would rather vote in favor of the MAPC's recommendations then to see this fail all together but she feels at this time she is going to have to vote to include the screening.

Council Member Brewer Council Member Brewer stated that he agrees with Council Member Skelton and that this a huge code enforcement and understands that some of the mobile home parks take care of themselves and those that belong to the association but unfortunately there are some that do not. Stated that the response was that it is the City's responsibility to enforce certain codes and if you put up some type of screening the only thing that does is to allow them to be able to hide what they have that is going on behind there and he feels that it is a combination of both. Stated that everything they do inside those mobile home parks, the cost is passed on to the individuals that lease space there or buy their facilities and that his personal preference is that he would like to see screening.

Council Member Gray Council Member Gray stated that he recognizes the concern that some of the other Council Members have about adding the screening requirement in and he does not think screening is bad. Stated that most of the people who live in mobile home parks and manufactured housing are typically among the poorest in our communities and that the costs of screening would pose a hardship on them. Stated that some good suggestions have been proposed and this should put some teeth into our laws and give us the ability to require people to follow the rules and back those up. Stated that if we have to come back in a couple of years and this has not worked, then he is willing to look at it again and will be in favor of putting the screening up next time.

Motion-- Gray moved that the proposed amendments to manufactured home park regulations be adopted and the ordinances placed on first reading. Motion carried 5 to 2 (Nays-Brewer and Fearey).
--carried

ORDINANCE

B.10.D. (4)(b), Section III-B.10.F. (2), Section III-E.1., and Section IV-A.4., and creating Section IV-B.3.A.(1) and Section VII-G.2.G. of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition), as adopted by reference in City of Wichita Code Sec. 28.04.010 by Ordinance No. 44-975, dealing with manufactured homes, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending 26.04.010, 26.04.020, 26.04.030, 26.04.040, 26.04.041, 26.04.060, 26.04.070, 26.04.080, 26.04.120, 26.04.135 and 26.04.200, creating Sections 26.04.035, 26.04.036, 26.04.038, 26.04.115, and 26.04.117 of the Code of the City of Wichita, Kansas, and repealing the originals of sections 26.04.010, 26.04.041, 26.04.042, 26.04.043, 26.04.060, 26.04.070, 26.04.080, 26.04.119, 26.04.120, 26.04.135 and 26.04.200, of the Code of the City of Wichita pertaining to mobile homes and mobile home park regulations, introduced and under the rules laid over.

ELECTRICAL CODE AMENDMENTS TO ELECTRICAL CODE, TITLE 19.

Kurt Schroeder Superintendent of the Office of Central Inspection reviewed the item.

Agenda Report No. 06-0632

The State of Kansas has recently passed amendments to two existing statutes, effective on July 1, 2006, which requires the City's Electrical Code (Title 19) to be amended. The first amended statute, K.S.A. 12-1526, establishes new minimum continuing education requirements for master, journeyman and residential wireman level electricians and license holders. K.S.A. 12-1526 also now requires that test applicants have a minimum level of demonstrated field experience before sitting for an electrical master, journeyman or residential wireman test. The second amended statute, K.S.A. 58-4205, now requires that mobile or modular home installers obtain a state license, and prohibits local jurisdictions from adopting local license requirements and regulations.

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The City's Electrical Code, as currently adopted in Title 19, requires testing and certification of master level, journeyman level and residential journeyman level electricians. Title 19 also requires that persons working on manufactured home electrical installations be certified and/or licensed by the City of Wichita as electricians and/or electrical contractors. The proposed Title 19 amendments modify these sections of the City's Electrical Code to assure they are consistent with revised State statutes.

The Board of Electrical Appeals (Board), along with Office of Central Inspection staff, has reviewed the proposed changes to Title 19. While completing the review of required State statute amendments, the Board and staff also reviewed several additional Electrical Code items/sections that needed further clarification. At its May 9, 2006, meeting, the Board voted unanimously to recommend to City Council that the attached amendments to Title 19 be adopted.

City Code sections 19.08.020, 19.08.028, 19.08.030 and 19.16.060 are amended to coincide and comply with new State statutes.

City Code sections 19.04.090 and 19.22.040, Electrical inspectors—Appointment, Duties and Elevator Inspectors—Appointment, Duties, are amended (per direction from the Law Department) to clarify that any officer of the City shall not be held personally liable in the discharge of his or her duties.

City Code section 19.08.180, Identification of Service Vehicles, is amended to require/clarify that licensed electrical contracting companies also include the licensed company's name on their service vehicles.

City Code section 19.22.190, Alterations and Repairs, is amended to clarify when a permit must be obtained for an existing elevator repair or alteration.

City Code section 19.24.020, Installation Standards, is amended to clarify that certain types of wheelchair lifts and stair climb lifts are required to meet certain installation standards.

There are no additional costs to the City, and no new or increased City or consumer fees included in the proposed amendments.

Goal: Provide a Safe and Secure Community through improved environmental health and community safety. The amendments include additional provisions to help ensure safer buildings and construction through permitting and inspection, and by qualification, training and certification/licensure of electrical contractors, tradesmen and manufactured home installers.

The amended ordinance has been reviewed and approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the ordinance amending Title 19 of the Code of The City of Wichita be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Sections 19.04.090, 19.08.020, 19.08.030, 19.08.180, 19.12.010, 19.16.060, 19.16.090, 19.16.100, 19.16.110, 19.22.040, 19.22.190, 19.22.240, 19.22.280, 19.24.020, 19.24.070 and 19.24.080 of the Code of the City of Wichita, Kansas, and repealing the originals thereof; creating Section 19.08.028; repealing Sections 19.16.010, 19.16.020, 19.16.030, 19.16.040, 19.16.050, 19.16.070; all pertaining to the Electrical Code of the City of Wichita, Kansas, introduced and under the rules laid over.

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PLANNING AGENDA

Motion--
--carried

Mayans moved that the Planning Consent items be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

VAC2006-00008

VAC2006-00008-REQUEST TO VACATE STREET RIGHT-OF-WAY CREATED BY CONDEMNATION, GENERALLY LOCATED SOUTH OF 25TH STREET NORTH AND WEST OF ARKANSAS AVENUE. (DISTRICT VI)

Agenda Report No. 06-0633

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicants are requesting consideration to vacate the undeveloped 47-foot wide by 270-foot long section of 24th Street North right-of-way (ROW), located between Burns Avenue and Woodland Avenue. The described ROW abuts two residential lots on its north side and two residential lots on its south side. All of the abutting property owners have signed the application and petition to vacate the described ROW. There are utilities and sewer lines (crossing north to south) throughout the 24th Street North ROW, but no water line. There is a curb cut and drive entrance (paved) from the described ROW onto Woodland Avenue. The 47-foot wide portion of ROW proposed to be vacated does not match the abutting and platted 24th Street's 60-foot width.

The section of 24th Street North proposed to be vacated was originally shown as an "Exception" on the Community Addition plat, which was recorded on January 25, 1954. The plat's text does not mention any of the "Exceptions" shown on the plat. The City of Wichita's Board of Commissioners adopted condemnation ordinance #22-783, on April 3, 1957; this created the described portion of the 24th Street North ROW. The portion of 24th Street North between Burns and Salina Avenues, the next block west of the subject site, was approved for vacation (VAC2004-18), with conditions, on July 15, 2005 by the Wichita City Council. This portion of 24th Street North was created by the same "Exception" on the Community Addition plat and subsequent condemnation ordinance #22-783, as the subject site.

The MAPC voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order, utility easements dedicated by separate instrument and restrictive covenants will be recorded with the Register of Deeds.

Ensure efficient infrastructure

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

VAC2006-00022

VAC2006-00022-REQUEST TO VACATE A PLATTED SETBACK, GENERALLY LOCATED ON THE NORTH SIDE OF KELLOGG DRIVE, MIDWAY BETWEEN DUGAN ROAD AND RIDGE ROAD. (DISTRICT V)

Agenda Report No. 06-0634

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant proposes to vacate the platted 30-foot interior side yard setback that runs parallel to the east property line of Lot 1, Clinton Addition. The "LC" zoning district, which the subject site is zoned, does not require an interior side yard setback, but if one is provided it is a minimum of 5-feet. There is a platted 10-foot wide utility easement within the described platted interior side yard setback. There is a sewer line and manholes in the north portion of this platted easement. Water is in the Kellogg Drive

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right-of-way. There are no franchised utilities in the setback. The Clinton Addition was recorded with the Register of Deeds on December 16, 1968.

The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Ensure efficient infrastructure

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

A06-15R

A06-15R-REQUEST BY ROB RAMSEYER AND JAY RUSSELL OF R & R REALTY TO ANNEX LAND GENERALLY LOCATED NORTHWEST OF 53RD STREET NORTH AND MERIDIAN AVENUE. (DISTRICT VI)

Agenda Report No. 06-0635

The City has received a request to annex 196.64 acres of land generally located northwest of the intersection of 53rd Street North and Meridian Avenue. The annexation area abuts the City of Wichita to the north and east. The property owner anticipates that the proposed property will be developed with 271 single-family units and 58.2 acres of commercial property. The residential portion of this property is called the Northgate Addition, of which the preliminary plat was approved by the Metropolitan Area Planning Commission on August 18, 2005. A plat has not yet been submitted for the commercial portion of the property.

Land Use and Zoning: The proposed annexation consists of approximately 196.64 acres of property currently zoned "SF-20" Single-Family Residential, which upon annexation will convert to "SF-5" Single-Family Residential. Property directly to the north is zoned and developed as "SF-5" Single-Family Residential. Property to the west is zoned "SF-20" and is undeveloped at this time. The property to the east is zoned "SF-20" Single-Family Residential, "SF-5" Single-Family Residential and "GO" General Office. The majority of the "SF-20" property is vacant and agricultural in nature, while the SF-5 property is primarily developed. The "GO" property is developed with a grain mill products manufacturing business. Property to the south is currently undeveloped and zoned as "SF-20" and "SF-5." A request has been submitted to change the zoning of the commercial portion of the subject property and the property to the east, in order to accommodate the proposed development of a Walmart and other businesses.

Public Services: The closest water line is a 20" water line in Meridian Avenue along the east line of the subject property. In addition, a 15" sewer main is under construction along the west line of the subject property running north to south from 61st Street North to south of 53rd Street North.

Street System: The subject property borders Meridian Avenue to the east and 53rd Street North to the south. Meridian Avenue is a paved 4-lane roadway with improvements at the intersection of 53rd Street North to add the 5th lane. 53rd Street North is paved and is currently 5-lanes at the intersection and tapers to 2-lanes west of Meridian. The Sedgwick County Capital Improvement Program 2006-2010, the 2006 Transportation Improvement Program and the City of Wichita Capital Improvement Program (CIP) 2005-2014 do not call for improvements near the proposed annexation site.

Public Safety: Fire services to this site can be provided by the City of Wichita within a five (5) to six (6) minute approximate response time from City Station No. 13 located at 3162 W. 42nd Street North. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 E. 21st Street North.

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Parks: The Brooks Tract Park, a 272-acre park, is located approximately 1 mile to the southwest of the proposed annexation site and is currently being developed. In addition, Hellers Park, a 32-acre park, is located approximately 2 miles to the southeast of the proposed annexation site. Hellers Park has a half-mile dirt trail and is designated as a Wichita Wild Habitat Area. According to the 1996 Parks and Open Space Master Plan, a potential pathway has been identified that would run along the south edge of the subject property, along 53rd Street North. In addition, a potential future park site has been identified east of the subject property.

School District: The annexation property is part of the Unified School District 262 (Valley Center School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$34,340 with a total assessed value of \$10,302. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$324 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that 271 single-family residential units will be developed within the next five years. The total appraised value of this residential development after completion is estimated at \$24,390,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$88,089 in City annual tax revenues. The total appraised value of the anticipated commercial development is unknown at this time.

Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the ordinance be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over.(A06-15)

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

There were no appointments to be made.

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RECESS

Motion-- Mayans moved that the City Council recess into Executive Session at 11:00 a.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation, legal advice, contract negotiations and preliminary discussions relating to the acquisition of real property for public purposes and that the Council return from Executive Session no earlier than 11:35 a.m. and reconvene in the City Council Chambers on the first floor of City Hall.

--carried Motion carried 7 to 0.

RECONVENE

The City Council reconvened in the City Council Chambers at 11:35 a.m. Mayor Mayans announced that no action was taken.

Motion--carried Mayans moved that the Executive Session be closed. Motion carried 5 to 0, (Brewer and Gray absent).

Motion--carried Mayans moved that the Regular Meeting be closed. Motion carried 5 to 0, (Brewer and Gray absent).

ADJOURNMENT

The City Council meeting adjourned at 11:36 a.m.

Respectfully submitted,

Karen Sublett CMC

Workshop to followed in the First Floor Board Room